

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MEDIOSTREAM, INC., a California corporation,

Civil Action No. 2-07CV-376 TJW

**Plaintiff**

VS.

ACER AMERICA CORPORATION, APPLE COMPUTER, INC., ASUS COMPUTER INTERNATIONAL INC., DELL, INC., and GATEWAY, INC.

## Defendants.

**DECLARATION OF ARES YANG IN SUPPORT OF MOTION OF ACER AMERICA  
CORPORATION, APPLE, INC., ASUS COMPUTER INTERNATIONAL INC.,  
GATEWAY, INC., AND CYBERLINK.COM CORPORATION TO TRANSFER VENUE  
PURSUANT TO 28 U.S.C. § 1404**

1. I, Ares Yang, am the Manager of Acer Incorporated. I submit this declaration in support of the Motion of Acer America Corporation, Apple, Inc., Asus Computer International Inc., Gateway, Inc., and CyberLink.com Corporation to Transfer Venue Pursuant to 28 U.S.C. § 1404. I have personal knowledge of the facts stated in this declaration and, if called upon to do so, would testify competently thereto at trial.

2. Acer America Corporation is a California corporation with most of its operations within the California.

3. While, I understand that Plaintiff has yet to identify specific infringing products, I have been informed that the patents at issue relate to software programs for video

conversion. Any such allegedly infringing products made or sold by Acer America Corporation would have been researched, designed, developed and tested within California.

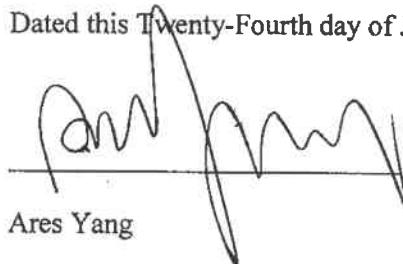
4. All decisions regarding marketing, sales, and pricing of any such allegedly infringing products would have occurred predominantly in California.

5. It is also highly likely that any relevant witnesses from Acer America Corporation would reside in or near California.

6. Acer America Corporation does not maintain any facilities, employees, or documents in the Eastern District of Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this Twenty-Fourth day of January, 2008.



Ares Yang

Manager of Patents Department, Legal Unit

Acer Incorporated

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 25<sup>th</sup> day of January, 2008.

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/S/Mark. C. Scarsi

Mark C. Scarsi